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| 29989 7590 03/09/2007 HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110 | | | EXAMINER LE, MIRANDA | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/872,235

Applicant(s)

JEAN-LOUIS BAFFIER

Examiner

Miranda Le

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Withdrawal of Finality

1. This communication is responsive to the Appeal Brief filed on 11/27/06.
2. In view of the Appeal Brief filed on 11/27/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.


To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

3. Claims 1-70 are pending in this application.


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Response to Arguments

4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive. Therefore, the finality of that action is withdrawn, and a new Non-Final Action follows.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 4, 6, 7, 9, 10, 11-13, 15, 17-21, 27, 33, 36, 38, 39, 41, 42, 44, 45, 46-48, 50, 52-56, 62, 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al. (US Patent No. 6,457,007).

Kikuchi anticipated independent claims 1, 36 by the following:

As to claims 1, 36, Kikuchi teaches a method for provisioning databases for users on a network, the method comprising the steps of:

a first party (*i.e. distribute database access management unit 3, a gateway server 40, See Fig. 27*) managing one or more database systems (*i.e. a physical database management system 270, col. 8, lines 5-44; See Fig. 27*) ;

a plurality of second parties (*i.e. a plurality of OS users are defined as a group, col. 10, line 44-57; client in Fig. 27*) subscribing to database services (*i.e. three database servers, col. 8, lines 19-34; See Fig. 27*) supported by the one or more database systems managed by the first party, wherein the database services include services for storing and managing data (*i.e. a*

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physical database, col. 8, lines 19-34; See Fig. 27) provided by the second parties (col. 8, lines 5-44; See Fig. 27);

providing over the network (*i.e. network 42, See Fig. 27*), to database applications controlled by the second parties (*i.e. The client has an application program execution means for executing the application program for updating or searching the databases and instructs to update or search each database, col. 8, lines 35-41*), access to the database services to which the second parties are subscribed (*i.e. The client server system in this embodiment consists of a network 42, three database servers 41 (41a, 41b, 41c) connected to the network 42, a client 39 connected to the network 42, and a gateway server 40, col. 8, lines 5-18*);

wherein the database applications, controlled by the second parties (*i.e. The client has an application program execution means 2 for executing the application program for updating or searching the databases and instructs to update or search each database, col. 8, lines 35-41*), interact with the database systems managed by the first party by sending (*i.e. The distributed database access management unit 3 ... receiving a database access statement from the application program 2, col. 9, lines 20-48*), from the second parties, to the database systems, over the network, database commands (*i.e. database access statement, col. 9, lines 20-48*) that conform to the database language (*i.e. an SQL statement is used as a database access statement, col. 12, lines 26-50*) supported by the database system (*i.e. the data definition language and data manipulation language used for the tables 100 are called a table access statement, col. 12, lines 26-50*) (*col. 8, lines 35-41; col. 12, lines 26-50*);

wherein execution of the database commands allows the second parties to manipulate data objects (*i.e. table, col. 12, lines 25-50*) stored within at least one of the one or more database

systems, and *(i.e. a table access statement created by the application program execution means 2 is informed to the table location searching unit 7 via the logical database access controller 10. The table location searching unit 7 interprets this table access statement as access to the logical database 4, creates a table access statement to the actual physical database 1, issues the created statement to the physical database 1 via the database interface unit 5, and receives the result (col. 12, lines 26-50);*

wherein the second parties control the source code *(i.e. an application program execution means, col. 8, lines 35-41)* of the database applications that the second parties use the send database commands to the database management systems managed by the first parties *(i.e. The client 39 has an application program execution means 2 for executing the application program for updating or searching the databases and instructs to update or search each database (col. 8, lines 35-41).*

As to **claims 3, 38**, Kikuchi teaches receiving over said network a request to perform a database management operation from a user associated with particular second party of said plurality of second parties *(i.e. The client 39 has an application program execution means for executing the application program for updating or searching the databases and instructs to update or search each database (col. 8, lines 35-41);*

responding to said request by performing said database management operation on one or more databases controlled by said first party without human intervention by said first party *(i.e. A distributed database access management unit 3 which is installed in the gateway server 40 is a mechanism which exists between the application program 2 and the physical database 1 and*

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plays a role as a gateway between the client and server so that the application program execution means 2 can handle a plurality of distributed databases 1 in the same way as with a single physical database, col. 8, lines 45-60).

As to claims 4, 39, Kikuchi teaches wherein the one or more database systems are implemented on a set of database devices that include a plurality of database appliances, a database appliance comprising database software (*i.e. database access statement*) and non-database software (*i.e. the identification information, account information*) tailored to the needs of the database software (*i.e. The distributed database access management unit 3 in this embodiment has a logical database dictionary 8 for storing the identification information, account information, and control information of the physical databases 1 constituting the logical databases 4, a statement buffer 6 for temporarily storing at least one database access statement, a logical database access controller 10 for receiving a database access statement from the application program 2 and distributing processing to a logical database defining unit 9 or a table location searching unit 7, col. 9, lines 20-48).*

As to claims 6, 41, Kikuchi teaches wherein the step of performing the database management operation involves allocating a different amount of resources to said particular second party than is currently allocated for said particular second party (*i.e. Physical Database DB_a, Physical Database DB_b, Physical Database DB_c, Fig. 27).*

As to claims 7, 42, Kikuchi teaches the step of delivering to a party over the network one or more messages which cause generation of user interfaces that allow the party to subscribe to said database services provided by said first party (*i.e. When the logical database name to which an access request is given from the user is registered in both the logical database control block 13 which is registered in the storage area 201 of public logical database control block and the logical database control block 13 which is registered in the storage area 202 of private logical database control block in correspondence with the user name of the above OS user, the distributed database access management unit 3 in this embodiment performs processing using the information of the logical database control block 13 registered in the storage area 202 of private logical database control block, col. 12, lines 5-22*).

As to claims 9, 44, Kikuchi teaches the step of delivering to a party over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to access a database for a database service to which said one of said second parties has subscribed (*i.e. confirms that it agrees with one of at least one logical database account registered in the logical database account storage area 13c of the detected logical database control block 13 (Step 504), and informs the application program execution means 2 of normal completion of logging in the logical databases 4 (Step 505), col. 17, lines 13-28*).

As to claims 10, 45, Kikuchi teaches the first party also provides database application over said network; and the method further comprises the step of delivering over the network, to a

user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the users to access a database application service to which said one of said second parties has subscribed (*i.e. confirms that it agrees with one of at least one logical database account registered in the logical database account storage area 13c of the detected logical database control block 13 (Step 504), and informs the application program execution means 2 of normal completion of logging in the logical databases 4 (Step 505), col. 17, lines 13-28).*

As to claims 11, 46, Kikuchi teaches the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to indicate changes to at least one of profile information, payment information, and the selection of services to which said one of said second parties is subscribed (*i.e. Changing of Logical Account, col. 30, lines 34-64*).

As to claims 12, 47, Kikuchi teaches the step of delivering over the network, to a user associated with one of said second parties, one or more messages, which cause generation of user interfaces that allow the user to supply contents for a subscribed database (*i.e. an UPDATE statement for changing data in a table col. 12, lines 26-50*).

As to claims 13, 48, Kikuchi teaches the step of delivering over the network, to a user associated with one of said second parties, one or more messages (*i.e. a table access statement created by the application program execution means 2 is informed to the table location*

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searching unit 7 via the logical database access controller 10, col. 12, lines 26-50) which cause generation of user interfaces that allow the user to develop a new database application (i.e. a CREATE TABLE statement for creating a table 100 newly, col. 12, lines 26-50).

As to claims 15, 50, Kikuchi teaches the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that present a status of a user subscribed resources selected from database resources managed by said first party (*i.e. When use permission of the private logical database is not given, the table location searching unit 7 informs the application program execution means 2 of refusal of access (Step 514) and ends the processing, col. 16, lines 64 to col. 17, line 13).*

As to claims 17, 52, Kikuchi teaches the step of the first party updating the one or more database systems by receiving from a community server (*i.e. gateway server 40 in Fig. 27*) over the network an update to the one or more database systems, wherein the community server provides the update to plurality of service providers over said network (*i.e. and sends the statement held in the statement buffer 6 to physical database management systems 270 for managing the object physical database 1, col. 9, lines 21-49).*

As to claims 18, 53, Kikuchi teaches the step of the first party sending to a community server a status of a user subscribed resource, wherein the user subscribed resources is maintained by said first party (*i.e. The table location searching unit 7 which receives the SELECT statement creates a CONNECT statement (CONNECT (DB_a, user_a), which is logged in by using the*

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physical database account user_a, in the physical database DB_a assigned the highest priority among the physical databases 1 contained in the logical database LDB_A and logs it in the physical database DB_a, col. 19, lines 10-21).

As to claims 19, 54, Kikuchi teaches presenting to a user associated with said first party a user interface to allow said first party to configure a database device used to provide said database services as one of a dedicated device and a plurality of virtual devices (*i.e. Firstly, the table location searching unit 7 of the distributed database access management unit 3 receives notification of the CONNECT statement (CONNECT (LDB_A, user_A) to the logical database LDB_A from the application program execution means 2. This CONNECT statement means an access request to the logical database LDB_A by the logical database account user_A, col. 18, line 59 to col. 19, line 9).*

As to claims 20, 55, Kikuchi teaches presenting to a user associated with said first party a user interface to allow said first party to configure at least one of a dedicated device, and a virtual device of plurality of virtual devices as one of a staging device available only to a database service developer for developing database services, and a production device for making services available to a user who is not the database service developer (*i.e. The access privilege information consists of the ID of an OS user which permits access to the logical databases 4 or the group ID and the privilege kind such as use permission or change permission. In this embodiment, permission of use or change of the logical databases 4 is implicitly given to the OS user (owner of the definition information on the logical databases) who defines the logical*

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databases 4. The owner of the definition information on the logical databases 4 can grant another OS user or group permission of use or change of the logical databases, col. 10, lines 58-67).

As to claims 21, 56, Kikuchi teaches presenting a user interface for transferring an application from a staging device to a production device (*i.e. The access privilege information consists of the ID of an OS user which permits access to the logical databases 4 or the group ID and the privilege kind such as use permission or change permission. In this embodiment, permission of use or change of the logical databases 4 is implicitly given to the OS user (owner of the definition information on the logical databases) who defines the logical databases 4. The owner of the definition information on the logical databases 4 can grant another OS user or group permission of use or change of the logical databases 4, col. 10, lines 58-67).*

As to claims 27, 62, Kikuchi teaches in response to user input that specifies that data should be loaded into a subscribed database, determining whether the subscribed database currently exists for said one of said second parties (*i.e. Before logging in each physical database 1, the table location searching unit 7 of the distributed database access management unit 3 refers to the access privilege which is set in the requested logical database 4 and checks whether use of the logical database 4 is permitted for the informed OS user, col. 11, lines 1-11);*

creating the subscribed database if the subscribed database does not currently exist for said one of said second parties (*i.e. The owner of the definition information on the logical*

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databases 4 can grant another OS user or group permission of use or change of the logical databases 4 (col. 10, lines 58-67).

As to claims 33, 68, Kikuchi teaches the first party performing at least one of the steps of: setting up database parameters; reporting database usage; backing up the database, upgrading the database, controlling database versions, implementing database security; implementing database security within the database (*i.e. a plurality of OS users are defined as a group and the same processing environment can be used in common. However, ... sets an access privilege to the OS user in each logical database 4 so as to limit users of the logical databases 4, col. 10, lines 44-57*).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2, 5, 25, 37, 40, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US Patent No. 6,457,007), in view of BROSTER et al. (US Pub. No. 20020073056).

As to claims 2, 37, Kikuchi does not specifically teach:

at least one of said second parties in an application service provider that provides application services to a plurality of third parties over said network;

the step of providing access to the database services includes providing database services to an application used by said application provider to provide said application services to said third parties.

BROSTER teaches:

at least one of said second parties (*i.e. personal agent 130, Fig. 1*) in an application service provider that provides application services to a plurality of third parties (*i.e. user 175, Fig. 1*) over said network;

the step of providing access (*i.e. Search engines may be provided to carry out searches for externally stored information--search engine 140--or for information stored internally within the IMS database 105--local search engine 110, [0053]*) to the database services includes providing database services to an application used by said application provider to provide said application services to said third parties (*i.e. Local search engine 110 may be arranged to operate in real time in response to user input conveyed by the browser interface 170, through continuous communication with the personal agent 130, [0053]*).

It would have been obvious to one of ordinary skill of the art having the teaching of Kikuchi and BROSTER at the time the invention was made to modify the system of Kikuchi to

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include the limitations as taught by BROSTER. One of ordinary skill in the art would be motivated to make this combination in order to carry out searches for externally stored information or for information stored internally within the IMS database in view of BROSTER ([0053]), as doing so would give the added benefit of providing a transparent interface to a plurality of search, retrieval and/or analysis tools so that a user can be able to use the system without having to select and operate the different tools as taught by BROSTER ([0025]).

As to claims 5, 40, Kikuchi does not particularly teach wherein the step of providing access over a network includes providing access over a public network of computer networks.

BROSTER teaches the step of providing access over a network includes providing access over a public network of computer networks (*i.e. internet 155, Fig. 1*).

It would have been obvious to one of ordinary skill of the art having the teaching of Kikuchi and BROSTER at the time the invention was made to modify the system of Kikuchi to include providing access over a network includes providing access over a public network of computer networks as taught by BROSTER. One of ordinary skill in the art would be motivated to make this combination in order to efficiently search and retrieve information from the Internet in view of BROSTER ([0044]), as doing so would give the added benefit of providing a transparent interface to a plurality of search, retrieval and/or analysis tools so that a user can be able to use the system without having to select and operate the different tools as taught by BROSTER ([0025]).

As to claims 25, 60, Kikuchi does not expressly teach the steps of:

presenting to the user a set of selectable sources of content;
receiving user input indicating a selected source; and
launching a source update process to connect to the selected source and update a database with information received from the selected sources.

BROSTER teaches:

presenting to the user a set of selectable sources of content (*i.e. the system further comprises user selection means, for selecting results output by the data retrieval tool, the selected results being persistently stored, [0022]*);

receiving user input indicating a selected source (*i.e. Results selected for persistent storage, for instance providing closely relevant background information to the data set, may even be user specific so that one user retrieving the virtual case file in relation to the data set will be provided with a different set of stored results from that provided to another user in relation to the same data set, [0022]*);

launching a source update process to connect to the selected source and update a database with information received from the selected sources (*i.e. Results selected for persistent storage, for instance providing closely relevant background information to the data set, may even be user specific so that one user retrieving the virtual case file in relation to the data set will be provided with a different set of stored results from that provided to another user in relation to the same data set, [0022]*).

It would have been obvious to one of ordinary skill of the art having the teaching of Kikuchi and BROSTER at the time the invention was made to modify the system of Kikuchi to include the limitations as taught by BROSTER. One of ordinary skill in the art would be

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motivated to make this combination in order to provide closely relevant background information to the data set in view of BROSTER ([0044]), as doing so would give the added benefit of providing a transparent interface to a plurality of search, retrieval and/or analysis tools so that a user can be able to use the system without having to select and operate the different tools as taught by BROSTER ([0025]).

7. Claims 8, 14, 22-24, 28-32, 34, 35, 43, 49, 57-59, 63-67, 69, 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US Patent No. 6,457,007), in view of Ciarlante et al. (US Patent No. 6,532,488).

As to claims 8, 43, Kikuchi teaches the user interfaces contain controls for specifying user profile information, and selection of database services (*i.e. a logical database dictionary for registering the identification information of the physical database constituting the logical database and the account information of the physical database which are defined in the above logical database defining unit, col. 3, line 28 to col. 4, line 22*).

Kikuchi does not fairly teach payment information.

Ciarlante teaches payment information (*i.e. The hosting system 10 also contains an access database 16 which provides for registration of and payment by clients 8. That is, the initial user hosting an application must register and establish an account to pay for use of the hosted application, and subsequent users invited by the initial user to join the hosted application must register and may also need to establish payment accounts, col. 3, line 65 to col. 4, line 14*).

It would have been obvious to one of ordinary skill of the art having the teaching of Kikuchi and Ciarlante at the time the invention was made to modify the system of Kikuchi to

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include payment information as taught by Ciarlante. One of ordinary skill in the art would be motivated to make this combination in order to register and establish an account to pay for use of the hosted application in view of Ciarlante (*col. 3, line 65 to col. 4, line 14*), as doing so would give the added benefit of allowing service providers the flexibility to offer user initiated groupware applications on a variety of different financial and legal terms as taught by Ciarlante (*col. 2, lines 10-14*).

As to claims 14, 49, Kikuchi does not explicitly teach the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to integrate an external service.

Ciarlante teaches the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to integrate an external service (*i.e. a hosting server must be selected if more than one is available, col. 8, lines 48-65*).

It would have been obvious to one of ordinary skill of the art having the teaching of Kikuchi and Ciarlante at the time the invention was made to modify the system of Kikuchi to include delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to integrate an external service as taught by Ciarlante. One of ordinary skill in the art would be motivated to make this combination in order to copy the application files onto the selected host server in view of Ciarlante (*col. 10, lines 25-26*), as doing so would give the added benefit of allowing service

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provides the flexibility to offer user initiated groupware applications on a variety of different financial and legal terms as taught by Ciarlante (*col. 2, lines 10-14*).

As to **claims 22, 57**, Kikuchi teaches the step of delivering to a party over the network one or more messages which cause generation of user interfaces that allow the party to subscribe to said database services is performed as part of a registration process (*i.e. confirms that it agrees with one of at least one logical database account registered in the logical database account storage area 13c of the detected logical database control block 13 (Step 504), and informs the application program execution means 2 of normal completion of logging in the logical databases 4 (Step 505), col. 17, lines 13-28*).

Kikuchi does not specifically teach:

the interface include controls for receiving a user input value for a maximum amount of subscribed resources; and

the method further includes the step of presenting an alert if an amount of subscribed resources consumed by said party exceeds a threshold percentage of the maximum amount of subscribed resources.

Ciarlante teaches:

the interface include controls for receiving a user input value for a maximum amount of subscribed resources (*i.e. The user may be allowed to access the specific application once, a specific, predetermined number of times, an application-specific number of times, or an unlimited number of times during that month, col. 12, lines 36-61*);

the method further includes the step of presenting an alert if an amount of subscribed resources consumed by said party exceeds a threshold percentage of the maximum amount of subscribed resources (*i.e. a count may be kept of the number of times the user has accessed the instance during the month until that number reaches a threshold, at which point a UIM is deducted. If the EKey contains additional UIMs, step 212, the hosting system continues to allow users to host applications. Otherwise, the ISP must purchase another EKey, step 202, col. 12, line 62 to col. 13, line 9*).

It would have been obvious to one of ordinary skill of the art having the teaching of Kikuchi and Ciarlante at the time the invention was made to modify the system of Kikuchi to include the limitations as taught by Ciarlante. One of ordinary skill in the art would be motivated to make this combination in order to register and establish an account to pay for use of the hosted application in view of Ciarlante (*col. 3, line 65 to col. 4, line 14*), as doing so would give the added benefit of allowing service providers the flexibility to offer user initiated groupware applications on a variety of different financial and legal terms as taught by Ciarlante (*col. 2, lines 10-14*).

As to claims 23, 58, Ciarlante teaches the steps of receiving a user input value for a particular threshold percentage (*i.e. The user may be allowed to access the specific application once, a specific, predetermined number of times, an application-specific number of times, or an unlimited number of times during that month, col. 12, lines 36-61*);

presenting an alert if an amount of resources consumed by said party exceeds the particular threshold percentage of the maximum amount of subscribed resources (*i.e. a count*

may be kept of the number of times the user has accessed the instance during the month until that number reaches a threshold, at which point a UIM is deducted. If the EKey contains additional UIMs, step 212, the hosting system continues to allow users to host applications. Otherwise, the ISP must purchase another EKey, step 202, col. 12, line 62 to col. 13, line 9).

As to claims 24, 59, Ciarlante teaches the maximum amount of subscribed resources includes a maximum amount of at least one of an amount of storage space, a number of users connected to a platform in a period of time, an amount of processor time used in a period of time, and a number of transactions completed in a period of time (*i.e. The user may be allowed to access the specific application once, a specific, predetermined number of times, an application-specific number of times, or an unlimited number of times during that month, col. 12, lines 36-61*).

As to claims 28, 63, Kikuchi does not explicitly teach the step of:

presenting representations of selectable application development kits;

receiving user input indicating a selected development kit from the user;

launching a staging process including:

configuring consumable database resources on a staging database device, wherein a staging database device can be accessed by the user for developing the new database application and cannot be accessed by users associated with other parties of said plurality of second parties;

receiving development input from the user;

building a new application on the staging database device based on the selected development kit and the development input.

Ciarlante teaches:

presenting representations of selectable application development kits (*Fig. 12*);

receiving user input indicating a selected development kit from the user (*i.e. FIG. 12 shows an application kit development screen in the DIH hosting system. The DIH system uses the AppKit structure to register and publish an application, col. 13, lines 9-32*);

launching a staging process including (*col. 13, lines 9-32*):

configuring consumable database resources on a staging database device, wherein a staging database device can be accessed by the user for developing the new database application and cannot be accessed by users associated with other parties of said plurality of second parties (*i.e. Using the Notes client, the ISV creates a new database from the AppKit template (DIHAppKit.NTF), and puts it in the directory specified by "Directory to find App Kits" in the System Info document in your Warehouse, as iDIH.backslash.APPKITS.backslash, col. 13, lines 9-32*);

receiving development input from the user (*i.e. As explained above, FIG. 12 shows an application kit development screen in the DIH hosting system. The DIH system uses the AppKit structure to register and publish an application, col. 13, lines 9-32*)

building a new application on the staging database device based on the selected development kit and the development input (*See Fig. 12, and steps 1 to 6 at col. 13, lines 9-32*).

It would have been obvious to one of ordinary skill of the art having the teaching of Kikuchi and Ciarlante at the time the invention was made to modify the system of Kikuchi to include the limitations as taught by Ciarlante. One of ordinary skill in the art would be motivated to make this combination in order to register and public an application in view of

Ciarlante (*col. 3, line 65 to col. 4, line 14*), as doing so would give the added benefit of allowing service providers the flexibility to offer user initiated groupware applications on a variety of different financial and legal terms as taught by Ciarlante (*col. 2, lines 10-14*).

As to claims 29, 64, Ciarlante teaches the step of developing the new database application further comprising the steps of:

after receiving user input indicating a selected development kit, determining whether a client process of the selected development kit must be downloaded to a computer of the user over the wide area network (*i.e. The ISV next creates an application kit or AppKit, step 92, by bundling the application files, including the executable files such as .EXEs or .DLLs and any other supporting files needed to run the program, such as text, graphics or data files, with other application related information such as a vendor record providing company information about the ISV and an application record providing information about the application* *col. 8, lines 26-41*);

if it is determined the client process of the selected development kit must be downloaded, downloading the client process to the computer of the user over the wide area network before the step of building the new application (*i.e. The ISV next creates an application kit or AppKit, step 92, by bundling the application files, including the executable files such as .EXEs or .DLLs and any other supporting files needed to run the program, such as text, graphics or data files, with other application related information such as a vendor record providing company information about the ISV and an application record providing information about the application, col. 8, lines 26-41*).

As to claims 30, 65, Ciarlante teaches the step of developing a new database application further comprising the steps of:

receiving input from the user indicating the new application is ready for operational use *(i.e. Additional information may be included in the AppKit as illustrated with reference to FIG. 12, including installation instructions, a legal agreement, a mail notification message which appears in emails to invited users, and an additional brochure for providing additional information to interested users (col. 8, lines 26-41);*

in response to receiving input from the user indicating the new application is ready for operational use, launching a production transfer process including sending a request to the first party to transfer the new application to a production device on which the new application may be accessed by users who did not develop the new application *(i.e. The host system then generates a syndicate or offering, step 104, which contains the legal terms and marketing information retrieved from the application kit. The syndicate is then published to the storefront, step 106, such as by inserting the information into the storefront documents in accordance with a predefined template. In addition, the application files from the AppKit are copied onto the selected host server, step 108, so that an instance of the application may be created when ordered, col. 8, lines 48-65).*

As to claims 31, 66, Ciarlante teaches integrating comprises the steps of presenting a representation of a selectable external service;

receiving user input indicating a selected external service *(i.e. a hosting server must be selected if more than one is available, col. 8, lines 48-65);*

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launching an integration process to provide the external service to the user (i.e. *the application files from the AppKit are copied onto the selected host server, col. 8, lines 48-65*).

As to claims 32, 67, Ciarlante teaches the selectable external service includes at least one of a payment service (i.e. *a hosting server must be selected if more than one is available, col. 8, lines 48-65*).

As to claims 34, 69, Kikuchi does not fairly teach the step of:

if a costing database does not already exist, then automatically creating the costing database of database resource usage by user, and initiating a costing model with price per unit of consumable resource per service;

inserting data into the costing database based on actual use of database resources by the user;

executing the costing model to compute a cost-per-user based on the data in the costing database and the price per unit of consumable resource per service;

billing the user for the cost computed by the costing model.

Ciarlante teaches:

if a costing database does not already exist, then automatically creating the costing database of database resource usage by user, and initiating a costing model with price per unit of consumable resource per service (i.e. *At the start of every month, the hosting system vendor generates electronic keys, step 200, which are specially encoded and encrypted files that are*

deliverable to ISPs by download over the Internet. The electronic keys or EKeys are supplied in prepackaged quantities of User Instance Months or UIMscol. 12, lines 36-61);

inserting data into the costing database based on actual use of database resources by the user (i.e. At the start of every month, the hosting system vendor generates electronic keys, step 200, which are specially encoded and encrypted files that are deliverable to ISPs by download over the Internet. The electronic keys or EKeys are supplied in prepackaged quantities of User Instance Months or UIMscol. 12, lines 36-61);

executing the costing model to compute a cost-per-user based on the data in the costing database and the price per unit of consumable resource per service (i.e. The electronic keys or EKeys are supplied in prepackaged quantities of User Instance Months or UIMs, with volume discounts being offered. For example, a starter Ekey may contain 375 UIMs and be priced at \$500, a small Ekey may contain 3,000 UIMs and cost \$3,000, and a large EKey may contain 30,000 UIMs and cost \$25,000. Each UIM allows one user to host one application instance during that month, col. 12, lines 36-61);

billing the user for the cost computed by the costing model (i.e. During use of the application instance, the host system tracks use of the application for billing and accounting purposes, col. 10, lines 25-26).

It would have been obvious to one of ordinary skill of the art having the teaching of Kikuchi and Ciarlante at the time the invention was made to modify the system of Kikuchi to include the limitations as taught by Ciarlante. One of ordinary skill in the art would be motivated to make this combination in order to track use of the application for billing in view of Ciarlante (col. 10, lines 25-26), as doing so would give the added benefit of allowing service

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providers the flexibility to offer user initiated groupware applications on a variety of different financial and legal terms as taught by Ciarlante (*col. 2, lines 10-14*).

As to claims 35, 70, Ciarlante teaches the costing model supports: (*col. 12, lines 36-61*);
fixed price per unit of usage (*i.e. rate for ... megabytes transferred/month*);
variable price per unit usage as a function of usage (*i.e. a rate for disk space usage/month*);
flat price up to maximum value of usage (*i.e. flat rate*);
different prices for different users (*i.e. a rate per user/per month*);
different prices for different services (*i.e. rate for ... page hits/month*);
different prices for increments of usage above a maximum subscribed usage (*i.e. ISVs also pay the hosting system platform vendor in accordance with a formula based on use of the hosting system*).

7. Claims 16, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over BROSTER et al. (US Pub. No. 20020073056), in view of Holland et al. (US Patent No. 6,493,742).

As to claims 16, 51, Kikuchi does not specifically teach the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that present the user with a user-selectable representation of a wizard for building a Web page with a database component associated with an interface to a database receiving user input indicating the wizard;

executing said wizard, including presenting a series of screens to the user to prompt user input for building the Web page.

Holland teaches:

one or more messages which cause generation of user interfaces that present the user with a user-selectable representation of a wizard for building a Web page with a database component associated with an interface to a database receiving user input indicating the wizard (*i.e. a personal web page may be designed using a profile wizard provided by web site and associated with a particular event, col. 6, lines 39-46*);

executing said wizard, including presenting a series of screens to the user to prompt user input for building the Web page (*i.e. updating a personal web page, col. 10, lines 40-47*).

It would have been obvious to one of ordinary skill of the art having the teaching of Kikuchi and Holland at the time the invention was made to modify the system of Kikuchi to include the limitations as taught by Holland. One of ordinary skill in the art would be motivated to make this combination in order to provide guests with information such as news related to the event in view of Holland (*col. 6, lines 39-46*), as doing so would give the added benefit of managing a large number of registries in a single uniform environment such that the amount of work required by both the registrants and the guests is minimized and the content of the registries is expanded beyond traditional retail content as taught by Holland (*col. 2, lines 17-22*).

7. Claims 26, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US Patent No. 6,457,007), in view of Hsiao et al. (US Patent No. 6,564,215).

As to claims 26, 61, Kikuchi does not fairly teach the user input indicating a selected source also indicates a schedule for updating from the selected source;

the source update process connects to the selected source according to the schedule for updating from the selected source.

Hsiao teaches:

the user input indicating a selected source also indicates a schedule for updating from the selected source (*i.e. a data object that is stored externally to the database management system is updated by scheduling a plurality of update requests from clients to access the object, col. 2, line 49 to col. 3, line 22*);

the source update process connects to the selected source according to the schedule for updating from the selected source (*i.e. a data object that is stored externally to the database management system is updated by scheduling a plurality of update requests from clients to access the object where the DBMS verifies the access permission of the client, a transaction is initiated by the database management system for one or more update requests to ensure consistency between the external data file and metadata of the file, then the external data file and its corresponding metadata are updated, and update modification information is registered in the version table, col. 2, line 49 to col. 3, line 22*).

It would have been obvious to one of ordinary skill of the art having the teaching of Kikuchi and Hsiao at the time the invention was made to modify the system of Kikuchi to include the limitations as taught by Hsiao. One of ordinary skill in the art would be motivated to make this combination in order to update a data object that is maintained in data storage external to a database management system in view of Hsiao (*col. 3, line 49 to col. 4, line 4*), as doing so

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would give the added benefit of providing needed access control features to support update operations on external data, while avoiding large copy operations or potentially inconsistent query results and provides coordinated recovery between database and the relevant version of the file as taught by Hsiao (*col. 2, lines 39-47*).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le
March 02, 2007